

LEVIN-EPSTEIN & ASSOCIATES, P.C.

60 East 42nd Street • Suite 4700 • New York, New York 10165
T: 212.792-0048 • E: Jason@levinestein.com

August 23, 2023

Via Electronic Filing

The Honorable Edgardo Ramos, U.S.D.J.
U.S. District Court, Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Hernandez v. Safavieh, Inc.*
Case No.: 23-cv-01913

Dear Honorable Judge Ramos:

This law firm represents Defendant Safavieh, Inc. (the “Defendant”) in the above-referenced matter.

Pursuant to the directives in Your Honor’s August 18, 2023 Order [Dckt. No. 22], this letter respectfully serves to provide the Court with a status update in the above-referenced action.

Plaintiff intends to file a new motion to dismiss the Amended Complaint filed on August 17, 2023 (the “Amended Compliant”) by Plaintiff Janelys Hernandez (the “Plaintiff”) pursuant to Federal Rule of Civil Procedure (“Fed.R.Civ.P.”) 12(b)(1) and 12(b)(6).

This letter further respectfully serves to request that the Court enter a limited discovery schedule, permitting Defendant to conduct jurisdictional discovery. *See Sookul v. The 616 Comics LLC*, Case No.: 1:23-cv-02391-JGK at Dckt. No. 14 (S.D.N.Y. 2023). Specifically, Defendant wishes to depose Plaintiff, regarding the (inconsistent) allegations in her original complaint, filed on March 6, 2023 and the Amended Complaint.

Thank you, in advance, for your time and attention to this matter.

The request to withdraw Defendant's previously filed motion to dismiss the complaint (Doc. 18) and file a motion to dismiss the amended complaint is GRANTED. The briefing schedule will be as follows: moving papers due September 14, 2023; opposition due October 5, 2023; and reply due October 12, 2023.

Defendant's request to depose Plaintiff regarding the inconsistencies between her original and amended complaint is DENIED.

The Clerk of Court is respectfully directed to terminate the motion, Doc. 18.

Respectfully submitted,
LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi
Jason Mizrahi, Esq.
60 East 42nd Street, Suite 4700
New York, New York 10165
Tel. No.: (212) 792-0048
Email: Jason@levinestein.com
Attorneys for Defendant

VIA ECF: All Counsel

Encl.


Edgardo Ramos, U.S.D.J.
Dated: August 24, 2023
New York, New York